

GOVERNOR'S
REASONS
FOR VETO:

Although some land use restrictions are appropriate for controlling urban growth and preserving neighborhood quality, HB 1705 represents undue government infringement on private property ownership. Even though a property owner could opt out of restrictions that are successfully extended or reinstated, he or she would be impaired from obtaining a fair market price for the property while a petition was being circulated.

SPONSOR'S
VIEW:

Rep. Colbert said the bill was a fair compromise worked out among neighborhood groups, title insurers, and real estate developers and would have protected the interests of all affected landowners. The bill included provisions that met the Governor's stated objections. Any property improvements made or even started after a restriction had expired would not have been affected in any way had the restriction been extended or reinstated. Thus the mere circulation of a petition for extension or reinstatement, whether successful or not, would not have measurably affected property values. What does greatly affect property values is when deed restrictions on land use expire and speculators move into residential neighborhoods and begin commercial or apartment development. Homeowners are hurt since without zoning they have no mechanism for continued protection of the residential character of their neighborhood.

NOTES:

For more information on the bill see the HSG Daily Floor Report of April 23, 1981.

Arroyo Colorado Navigation District
(HB 1851 by D. Lee)

DIGEST:

The bill would have changed the name of the Arroyo Colorado Navigation District (of Cameron and Willacy counties) to the Port of Harlingen Authority. It would have granted the authority powers to acquire and convey land, and to purchase, construct, and operate wharves, docks, warehouses, grain elevators, railroads, bridges, floating plants, cargo handling and towing facilities, and other facilities for the development and operation of the Authority's ports, waterways, navigation, and commerce.

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These same types of extensive powers to assist private ventures have been considered before for other districts, and have not passed the Legislature. In the 67th session, bills that would have given the same authority to the Brownsville Navigation District (SB 21 and HB 291) and the Nueces County Navigation District (SB 760 and HB 874) both died. HB 1851 passed on the local and uncontested calendar. It did not receive proper consideration.

SPONSOR'S
VIEW:

Rep. Lee said "you wouldn't be able to print" his reaction to the veto. HB 1851 was in committee and subcommittee for 2 1/2 months, and clearly received a proper hearing. The other bills the Governor refers to went through the same committee, and were on the same calendar, but were knocked off. The bills were not identical, and it was not a legislative lapse to pass this one, Lee said.

"The Governor doesn't know how you develop ports," he added. Industrial revenue bonds are needed, because the cost would be astronomically expensive to ask voters to pay for with ad valorem taxes. It will be very cumbersome to try to meet the port's needs without this bill. Lee said he will resubmit the bill in the next session. He said the bill had strong bipartisan support in his area, and the veto has created substantial bad publicity for the Governor in the Valley.

Retirement benefits for certain former legislators
(HB 1905 by G. Hill)

DIGEST:

The bill proposed allowing certain former legislators to establish service credit under the state Employee Retirement System (ERS). Members of the 65th Legislature who left to take federal executive-level positions, or who had retired within a certain time period and later held federal positions specified in the bill could have counted the years of federal service toward ERS length-of-service requirements. The bill also proposed to make the age and length-of-service requirements for elected statewide officials identical with those now imposed on state employees.

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The Governor called the bill unsound pension policy, and said the creation of special classes of persons within the state retirement system could violate Internal Revenue Service (IRS) rules and jeopardize the system's tax-exempt status. The bill would have benefited a few people who "voluntarily left state service for high-level, high paying positions in Washington." Their needs, he concluded, do not